

THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 19th day of December, 2006

W.P.No.21296 of 1996

Between:

Smt. S. Vijaya Lakshmi

... Petitioner

and

Velagapudi Ramakrishna Memorial
Elementary School, Vuyyuru,
Krishna District, rep. By its
correspondent and another

... Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the respondents in seeking to terminate the services of the petitioner as Secondary Grade Assistant without following the rule 'last come first go' as arbitrary and illegal and consequently to direct the respondents not to terminate the services of the petitioner.

It is an admitted fact that the petitioner was working in an unaided vacancy in the respondent-School. The post held by the petitioner was neither admitted to grant-in-aid nor recommended for being admitted to grant-in-aid. However, when the post became surplus, the services of the petitioner were terminated by paying three months salary in lieu of notice.

The case of the petitioner is that the 1st respondent has not followed the procedure laid down in the Andhra Pradesh Education Act, 1982 in terminating her services. The Management of the School has not obtained any prior approval from the competent authority for terminating her services and thus contravened the provisions of the Act.

It is stated in the counter that there are no juniors to the petitioner continuing in service and the petitioner was retrenched following the principle of 'last come first go'. Petitioner has not filed any reply disputing the said averments in the counter. The contention of the

petitioner cannot be accepted, since her services were terminated only after following the due process of law by paying three months' salary in lieu of notice. Therefore, it cannot be said that the action of the respondents in terminating the services of the petitioner is arbitrary, illegal and contrary to Section 83 of the A.P. Education Act. There are no merits in the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

20-12-2006

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